

**Village of Buchanan
Mayor & Board of Trustees
Village Board Meeting
November 3, 2014**

PRESENT:

Mayor Theresa Knickerbocker

Trustees Richard A. Funchion, Duane M. Jackson, Cesare Pasquale and Nicolas Zachary

Village Attorney Stephanie V. Porteus

Village Board Secretary Susan F. Matthews

Village Administrator Kevin Hay

1. PLEDGE OF ALLEGIANCE:

Mayor Knickerbocker opened the meeting at 7:30 PM, welcomed everyone, informed them of the fire regulations and led the Pledge of Allegiance.

2. MOMENT OF SILENCE:

Mayor Knickerbocker called for a Moment of Silence for several long-time Buchanan residents who passed away. Don Scheuber was a long-time resident of Westchester Avenue, and Al Chopyak and Norm Christian were born in the Village. She noted that Mr. Chopyak was on our Assessment Review Board. Mr. Christian was a long-time member of the Fire Department.

3. APPROVE MINUTES:

August 19, 2014 Workshop Meeting: Trustee Zachary amended page 5, line 10, change “in the Village” to “near the Village”; page 12, line 11, change “He thinks an amplifier” to “He thinks everything together with an amplifier”. A MOTION to adopt these minutes as amended was made by Trustee Jackson, seconded by Trustee Zachary

The approval of the minutes of the September 2, 2014 Regular Board Meeting was tabled until the next meeting because the copies distributed to the Board were incomplete. The Mayor requested that if the Board members detect this before the meeting to contact the Village Administrator.

4. COMMENTS FROM THE FLOOR: (agenda items only)

None

5. NEW BUSINESS:

a) **14-46 RESOLUTION REFERRING REQUEST FOR ZONING AMENDMENT TO THE PLANNING BOARD (GRIFFIN PROPERTY).**

Mayor Knickerbocker read the Resolution (*copy attached*).

Mayor Knickerbocker explained that this company has come before the Board before. It had a different plan and it was originally referred to the Planning Board. They have come up with a significantly different plan with fewer units. The Village Board is again asking the Planning Board to look at the changes and come back with a recommendation.

Trustee Zachary thinks that the lot coverage they are proposing is a little high but he will wait to see what the Planning Board comes back with in their recommendation. He wanted to know if in any way this zoning amendment is opening up to other properties or is it specific to that one property. Village Attorney Porteus advised that in terms of dimensions and footage they are writing it pretty specific to that property. Trustee Zachary commented that it is a 7 acre property. He noted that they are listing it as an approximately 5 acre zoning change so there is not much in the Village that we can be opening up to that criteria. Village Attorney Porteus said that was correct but this is what they are putting in front of the Board. It does not mean that is the law if it is passed by the Board. Trustee Zachary commented that we should therefore wait until the Planning Board makes it recommendations and then decide if we want to make any adjustments to it.

Mayor Knickerbocker noted that we had asked for financials and different things which are included in this packet. The potential taxes the Village would receive are \$40,000 on one side or \$47,000 on the other. We are referring this to the Planning Board for their review and recommendations. It will then come back to the Village Board who will make a decision.

Trustee Jackson commented that he would reserve his comments until after the analysis from the Planning Board. He noted that he has stated some of his concerns on the record in the past. He is ready to move it forward to see the Planning Board review and take it to the next stage. The Mayor commented that we all have concerns and there will be a Public Hearing. This is only being referred to the Planning Board at this time.

A MOTION to adopt this Resolution as presented was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.

b) **14-47 RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH NYPA FOR A JOINT L.E.D. STREET LIGHT PROJECT**

Mayor Knickerbocker read the Resolution (*copy attached*). She noted that everyone has the packet and has had time to look through it.

Trustee Jackson noted that we can opt out at any time.

Trustee Funchion commented that he could not make heads nor tails out of this language. He could never vote for something like this. The document is 8 or 9 pages long with 20 definitions of the terminology they used. He quoted from a section of the document concerning payments as an example of the language used. Trustee Funchion remarked that he is not an accountant and could not make heads or tails out of that. He commented that for all he knows he could be voting on something where the Village could be taken over by NYPA. He cannot understand how something like this can be so complex and so bureaucratic. He would rather the Village go it alone than go with NYPA on this. He noted that NYPA is not a government agency. It is similar to Con Edison. He does not trust anything that he cannot understand. Village Attorney Porteus commented that she understands Trustee Funchion's frustration and shares in it. She does not like the way that it is written either. She and Village Administrator Hay have discussed this, including with Trustee Zachary. She commented that it seems like the Village is bound to follow what they are saying we are bound to. The Village Administrator gets e-mails and other information that says not to worry. Village Attorney Porteus said that this is a sort of agreement to agree in stages. They have said that if we do not want to do that, to not sign it. They are not going to amend the contract with things that we want in it. She believes this is an agency that is dealing with the Town of Cortlandt.

Village Administrator Hay advised that the Town of Cortlandt and Village of Croton have signed on to it. When he spoke with NYPA, they confirmed in an e-mail that we could opt out at any time. He noted that as he put in his letter, the first stage is a feasibility study and an audit. The expected cost is between \$2500 and \$3500. Once that comes in, we will get a detailed report that will lay out the cost for the rest of the project, its implementation and design. Basically to move forward, we would sign this agreement. If we do want to move forward, there has to be an authorization from the Village to spend the \$2500 or \$3500 for the feasibility detailed report for the first phase. The Administrator noted that they said the cost depended on the size of the municipality. When he talked with NYPA, they said that at that point the Village could take that report and do the project ourselves because it will have the project specs. At that point, we could opt out or go further. He advised that NYPA does a "turn key", start to finish project. They will finance it for us. Their current interest rate is 0.89%. The Administrator noted that the person he spoke with at NYPA advised him that historically it has been below 1.0%. The Administrator noted that if we were going to borrow money, it would cost us more than that. If we decide to move forward, the money saved would be off our NYPA bill. He believes we budget \$56,000 per year for street lighting. If we save half of that, the money would be used to repay NYPA. So our out of pocket cost might be very limited.

Trustee Zachary commented that we went through this whole thing at the last Board meeting. The reason we put it aside was because everything goes in phases: the feasibility study, the design phase, procurement and installation. The description for each phase includes a chapter that says that if the customer terminates the project after the completion of that phase, you will be obligated to pay the cost incurred by NYPA up to that point. He wanted to confirm, based on what the Administrator was told, that after the feasibility study we will get an estimate of the costs for the other phases. The Administrator confirmed that was correct. Trustee Zachary feels that right now, we do not have a real idea of what this project is going to cost versus us going about this independently. He commented that we have been looking into this for close to a year and it has come up in conversation for longer than that. We have done some work with a contractor. He wanted to know if we have enough of an estimate from them so that when do get a figure from NYPA we can compare them. The Administrator advised that they estimated the cost to be around \$300 per head per light. Trustee Zachary commented that if we go through the first phase of this and it turns out that it is a lot cheaper, then we are better off. We could decide that we can do it better on our own, which he finds hard to imagine since we are being grouped with two other municipalities. The Administrator advised that is just the group that they put us with. Trustee Zachary commented that it is a widespread program. It seems to him that logically there should be a cost savings in going about this way. The Administrator feels that the \$2500 to \$3500 will get us a lot of information. He does not think anyone else will put together an RFP for us for less than \$3500. They are grouping us with the Town of Cortlandt and Village of Croton because we are geographically close. Trustee Zachary commented that getting through audit and feasibility studies gets us an estimate. He said that the last time he read this, it seemed to him that we would have to figure it out at each phase and incur the cost at each one, and if you dropped out at the last phase you would be out the \$3500 for the first one plus whatever the cost for the next phase. It now sounds to him like we would potentially save a lot of money by going through the feasibility study. He wanted to know if the Administrator has had any communications with other municipalities that have done any agreements with NYPA. The Administrator advised that he has not. He noted that this is a new project. He could reach out to some other Administrators. Trustee Zachary commented that it seems like it should be a cost savings. He would like some hard numbers but he would vote for it. Mayor Knickerbocker wanted to know if he was comfortable with the agreement as it is written. Trustee Zachary said that he agrees with Trustee Funchion but that he understands enough to get the gist of what we are doing here and that there is an obligation to pay the cost at each phase as you continue. He agrees that it is legalese which might as well be a foreign language but feels that the Village Attorney and Village Administrator have been through it more than he has and that if there were any big pitfalls, we would be getting a warning.

Village Attorney Porteus advised that her concern is what it was the last time. The Village Administrator has information from them in writing saying that we can drop out after the feasibility study but that is not the way that it is written. That might be the intent but that is not

the way it is written as she reads it. Trustee Zachary commented that the way it is written, you can drop out at any phase and incur the expenses for that phase. He commented that he is just finding out tonight that if you go through the feasibility study, you will get your estimated price for the rest of the way. Village Administrator Hay confirmed that he was advised it would be the detailed project specs and the estimates for the design and implementation phases.

Trustee Funchion commented that he is not seeing the engineering costs. We already have lights around the Village so it is really just replacing the heads. He questions the need for a feasibility study because he does not know what needs to be studied. One firm is willing to do it for \$300 per head. He would shop for that in other places instead of entering into some agreement with NYPA. He commented that he does not trust them if they have to write a contract like this.

Trustee Jackson is comfortable with the idea of trying to get a cost per unit. He shares Trustee Funchion's question of needing a feasibility study because the Board already wants to go forward with exchanging the lights because in the long run we are going to save money on it. He wanted to know how much they will be charging us for that aspect of it. Trustee Zachary believes that the feasibility study is not about whether it is necessary but how many lights and what type of wattage. Village Administrator Hay believes the engineering is more than just popping a head on and off. You have to spec it out. Usually they want a Request For Proposal [RFP]. Trustee Jackson wanted to know if we will know what that number is during that first stage. The Administrator advised that he was told that at the completion of the feasibility study we would receive a detailed report with an estimate of the cost of the design and implementation phases. Trustee Jackson wanted to confirm that the pilot program we entered into with the one contractor was at \$300 per. The Administrator advised that was their estimated cost for the price of the heads. He believes our list of street lights was 300 street lights, 100 pole lights and 200 COBRA heads. They vary in wattage from 75 to 150 for the big ones. He advised that somebody has to do an RFP and put this together for us. He does not think that we can reach out to different companies for bids without it.

Trustee Pasquale wanted to know if we can use NYPA just for that part of it. The Administrator advised that we can. Then we could use that report to go out and bid it if we decided we wanted to do that. The report is ours once we have it. Trustee Zachary wanted to confirm that NYPA would also use our report to do that. The Administrator advised that they would use it and do the bid out. Trustee Zachary noted that if we do this on our own, we are required to get at least three bids. The Administrator confirmed that was correct. Trustee Zachary wanted to know if that would be required if we did it through NYPA. The Administrator advised that we would not but their process would do that for us.

Trustee Jackson wanted to know if the Village Attorney feels comfortable with the agreement. Village Attorney Porteus advised that it is up to the Board. We would be making an investment

of between \$2500 to \$3500 to get an estimate of cost to do the project. We already have an estimate of \$300 to compare it against and decide if we want to go ahead with them or go it alone. She commented that in the end it may be a good investment but we will not know until we spend it. We can opt out after that but we will have to pay that \$2500-\$3500. She asked the Village Administrator if they put in writing that it will not exceed that for the study. The Administrator advised that was what they said was the estimate depending on the size of the municipality. Trustee Jackson wanted to know if the Administrator has spoken with the Town of Cortlandt about this. Village Administrator Hay advised that he has not. He noted that some of the other communities do not have as many lights as us. The Town of Cortlandt might not have as many lights as we do. He believes that is why NYPA is giving us a range in cost. Trustee Jackson commented that based on our having more than the Town, we may not need to do the replacements the same way and the new lights may give us more coverage thereby eliminating some of our lights. He wanted to know if that will come out in their analysis. The Administrator said that they did not give him that kind of detail. He believes that we would have better lights, whiter light. LEDs are more directional. Trustee Zachary commented that one of the few complaints is that they broadcast over a slightly smaller area. There might be some slightly dark spots between the lights if they are spaced far apart. So he believes it is unlikely that we would be eliminating fixtures. It would likely save a lot of energy.

Mayor Knickerbocker wanted to confirm that the Administrator was told that they would not change any of the contract terms because that is their standard agreement for the project. The Administrator advised that was correct. The Mayor commented that after the initial \$2500 to \$3500 we can pull out if we decide to do so. The Administrator advised that the way they made it out to be, we could sign this and decide in a week that we do not want to go forward with the audit and still pull out. They are going to ask for our authorization to move forward at each phase. We can stop at any phase. Trustee Jackson wants some feedback from the Town on what they thought. The Administrator will ask.

Trustee Jackson wanted to know when this needs to be in place. The Administrator advised that they are looking to get the signed contracts back by December 1 because they want have a kick off meeting or conference call at some point in December to lay out the time frames.

A MOTION to adopt this Resolution as presented was made by Trustee Zachary, seconded by Trustee Jackson. The Motion was approved by a vote of 4-1 with Mayor Knickerbocker and Trustees Jackson, Pasquale and Zachary in favor; and Trustee Funchion opposed.

c) **14-48 RESOLUTION DECLARING VILLAGE VEHICLES SURPLUS AND ACCEPTING A PROPOSAL FOR THE SALE OF SUCH VEHICLES.**

Mayor Knickerbocker read the Resolution (*copy attached*).

Mayor Knickerbocker remarked that basically we use our vehicles until the wheels fall off. These vehicles are no longer in use and are sitting behind the Sewage Treatment Plant rusting. The Mayor read the list of vehicles, all of which were over 10 years old with some being 20 years old. The Mayor remarked that she wishes we could bring the bucket truck back to life but we cannot. She advised that if we took them to the junk yard ourselves, we would have to take out the fluids, remove the Village seals and transport them over there on a flat bed truck. The proposal was \$100 per car and \$250 for two pickup trucks.

Trustee Jackson commented that it seemed to him that the 2003 Ford Crown Victoria and the 2004 would still have some livelihood in them. The Administrator advised that they are retired police vehicles. They have a lot of miles and both had electrical issues. They were not running well. We replaced them with grant money that Police Chief Tubbs got. Trustee Pasquale, who is a retired police officer, advised that the life span of a police vehicle is 5 or 6 years if you are lucky. Trustee Jackson wanted to know if we put this out for bid. The Administrator advised that we had the Highway Foreman looking for bids. We previously got a bid for two of the police cars and the bucket truck but they never came and picked them up and the phone calls never got returned.

Trustee Pasquale wanted to know if the retired police vehicles have the lights, etc. or is it just the vehicle. The Administrator advised that the lights and all that gets taken off and whatever can be reused is. Mayor Knickerbocker advised that they are at the Sewage Treatment Plant beyond the fence.

A MOTION to adopt this Resolution as presented was made by Trustee Funchion seconded by Trustee Pasquale with all in favor.

6. INFORMATION FROM OFFICERS & DEPARTMENTS

a) Justice Court Report – September 2014

Received and filed.

Mayor Knickerbocker noted that the fines collected amounted to \$4,231 and \$4,113.85

b) Wastewater Reports – October 2014

Received and filed.

c) Attorney's Report

Village Attorney Porteus reported that she did not have anything other than what was discussed this evening.

d) Administrator's Report

Village Administrator Hay reported that the "No Parking Between 4 AM and 6 AM" signs have been put up in the parking lot across from Fat Sal's restaurant, the lot beside the Post Office and the lot on Bleakley Avenue.

The Administrator reported that Light Path is our new phone service and internet provider. They continue to move forward with equipment. We have a lot more equipment in our copy room. The Administrator has had several conference calls working to set up the system.

The Administrator reported that the paving wrapped up today. They are continuing with clean up which should be done by the middle of this week but all the blacktopping is done.

Two weeks ago Village Administrator Hay went to a meeting held by Westchester County. They had gotten a grant to do hazard mitigation plans for all the municipalities together. You need to have one in place to receive funding from FEMA going forward. They used to give individual grants to municipalities to do your hazard mitigation plan. That has been changed. It now has to be done as a group whenever possible otherwise they are not going to fund you. Their theory is that flooding and natural disasters do not stop at an individual municipality's borders. Mayor Knickerbocker remarked that fortunately for us it has recently. We have been lucky. The Administrator said that we are moving forward so that we would be able to get FEMA grants and reimbursements.

Village Administrator Hay attended a meeting last Monday sponsored by Westchester County on municipal waste. It was to update municipalities on the new procedures. He advised that there is no change in the regulations at the Resco plant but they have been getting a lot more construction debris. They are looking to limit that. Village Administrator Hay described some of the examples they were shown at that meeting. There were whole roofs from people's houses and entire kitchens. They are not looking for things like a few 2x4s or some pieces of wallboard. It has to be a significant amount. There are stickers with the County's phone number that residents can call for an explanation of why their debris will not get picked up. Or Village residents can call our Highway Department with questions.

Mayor Knickerbocker commented that the important thing is that the Village will receive a fine. The restricted items include sheet rock, tile, roofing material, any type of construction debris. Do not put it out for pick up. It is going to hurt the Village. You need to get a dumpster.

Trustee Funchion wanted to know if somebody is doing their own repairs, like redoing a deck for example, what should they do with the old wood. The Administrator advised that large amounts of lumber are considered to be construction debris. They would need to get a dumpster. Trustee Zachary noted that there is no clear cut off. If you do a small project around your house you could easily have a couple of bundles of scraps. By contrast, if you were tearing down a wall you would need a dumpster. There is no exact cut off to tell you when you cannot leave it out for pick up. He thinks we may need something more clearly defined. Village Administrator Hay suggested getting a link to the County web site. He noted that is why we have that sticker advising to call the County phone number. Mayor Knickerbocker thinks that the safest way is to say no construction material. She commented that a couple of weeks ago a house was sold on Lindsey Avenue. The whole front yard was completely covered with black garbage bags. There were mounds of black bags. She commented that the Village is not going to take that. It was a dumpster full of garbage. That is too much for the Village to take and to pay for. She does not think that the owner lives here. They were renovating and were told that they had to get a dumpster to take it away.

Trustee Zachary thinks we need to define it and put an insert in the Newsletter. He said that he does home projects all the time. He understands now that he can take a couple of scraps of wood and put them out, which he typically does. He always understood that there were certain things that you could not put out, like roofing tiles, tires and car batteries. He noted that you could not put sheet rock out with your garbage but you could for bulk pick up. There was always defined stuff that you could and could not put out. He thinks that if that is being changed, we need to put an insert in the Newsletter. Mayor Knickerbocker noted that it is not changing. It was always the rule going back to the 1970s or 1960s. What the County is seeing is an increase of people throwing construction debris in with their regular garbage. She noted that the County will pull that truck to the side and dump it to see if prohibited materials are in there. Village Administrator Hay said a question was raised in the meeting about what if you pick up a little here and a little there because you make many stops along your route. They were told that they can tell the difference with large construction debris. Another question was what about cabinets. They will take the cabinets, like kitchen cabinets. They will not take the sheet rock. Trustee Zachary noted that furniture still gets put out for bulk pick up. The Administrator advised that so far the County has only rejected four loads this year. Trustee Zachary commented that contractors need to take away the waste. Mayor Knickerbocker directed to put a full page in the Newsletter with the specific guidelines.

e) **Mayor's Report**

Mayor Knickerbocker gave an update on the proposed West Point Partners project. She reported that the Town of Cortlandt has bought the property in Verplanck. Their bid was accepted. The

Public Service Commission has to approve it. If that goes through then West Point Partners will not be coming through Verplanck and Buchanan. They are now looking at alternative sites.

Mayor Knickerbocker announced that the Town of Cortlandt Veterans Day ceremony will be held on November 11 at 12:30 PM at the Muriel Morabito Center. The Mayor expressed thanks to our veterans. They have done so much for our country. She reminded that in the lobby at Village Hall we have a collection box for the veterans' food bank. Food contributions are always needed and are very much appreciated. It is even more important during the holidays. She said that she was fortunate to find someone who was giving away hams. She sent them down to the veterans' food bank and they could not thank her enough. The Mayor invited any Boy Scout or Girl Scout troop who would like to do a food drive for the veterans during the holidays to contact her or the Village Administrator or just drop off the food at the Village Hall during business hours.

Mayor Knickerbocker reminded that starting on November 15 overnight parking on the street is banned from midnight to 7 AM. Parking in the municipal lots is always banned from 4 AM to 6 AM. The reason is that when it snows it is important to clear from curb to curb. She commented that in some other municipalities in the County that she has been in, they just plow around any cars parked on the street. That creates a huge mound of snow and the road never really gets properly cleared. She commented that our roads are very good in the winter. Our Highway Department people go through and clear them so that they are passable. The overnight street parking ban is from November 15 through April 15.

Mayor Knickerbocker congratulated Augie and Joan Risi on their 50th wedding anniversary on September 20 followed by a party in October. She thanked former Mayor Sean Murray. He gave them the proclamation. He has been friends with them for many years. The Mayor congratulated them on behalf of the Village and the Village Board and wished them more happy years to come. The Mayor wished everyone a Happy Thanksgiving.

f) Trustee's Reports

Trustee Jackson said that he would like to address a "heads up" for our residents in light of some of the incidents in the High School over the last week. He commented that it is a brand new world that we live in. We are the neighboring community to Indian Point. He commented that he knows it sounds corny but if any of our residents see anything remotely suspicious, do not take it for granted. Call the police. Call the County. Call someone. We just do not know. We are right here. We have enemies in the world and those enemies are here too. He said that he never knows what is going to happen. Do not take anything lightly. He does not want to alarm anyone. He said to be familiar with your surroundings. Do not take anything for granted.

What happened up at the High School [*i.e. bomb threats*] is always a constant reminder that anything can and will happen. It is unfortunate. We are all one community. We have to be mindful of what we see on the outside and of our neighbors. Be mindful of our Senior Citizens. He referred to the recent incident in Pleasantville where the postman noticed that mail was not being picked up and looked into it. Trustee Jackson urged everyone to be concerned about each other as well as looking about our community.

Trustee Jackson commented that fortunately the winds from this past Saturday and Sunday did not do very much damage in the Village. We had a few incidents at the pump station on Lake Drive. He applauds the Village personnel who got out there and took care of that. He commented that is one of the great things about our Village is that because we are self-contained we can have people immediately respond to those types of situations. He applauds those guys who were out there early this morning making sure that the pump station was okay, the tree limbs were taken away and that everything is smooth sailing.

Trustee Jackson reminded that Veterans Day is coming up. He is a Viet Nam era veteran. He asked that if you see a veteran to thank them for their service, no matter what it may have been. We have the Montrose VA Hospital here. He also asks that we keep the Veterans Food Bank going. We like to keep it stocked as we look at celebrating Veterans Day. Anyone can partake of it, especially those veterans.

Trustee Jackson wished everyone a great Thanksgiving. He thanked Sam for the candies.

Trustee Funchion reported that the Saint Patrick's Day Parade committee meets every month. He wanted to know if they got any answer to their question to the Board. Village Attorney Porteus advised that there is no answer yet.

Trustee Funchion has been involved with negotiations with the Teamsters Union and the Village. He reported that we are pretty close to an agreement and hopes that we will have it fairly soon.

Trustee Funchion wished everyone a very Happy Thanksgiving. Enjoy being with your families. He hopes everyone travels safely and has a good time.

Trustee Zachary said that he likes to remind people to get out and vote. It is an important freedom that we have.

Trustee Zachary reported that the Board has had some on-going discussions at recent Workshops. They talked about our sign ordinances, possible changes to it and issues of enforcement of it. Another quality of life issue at the last Workshop was property maintenance. He commented that a good part of this has to do with enforcement and trying to take care of our

Village. Anybody who would like to be part of those discussions is welcome to come to the Workshop. He noted that the next one is on November 18 at 7:30 PM. He wanted to know if that was still the date because of a possible conflict with a meeting on the proposed pipe line. Village Administrator Hay advised that presentation will be at the School District office in Montrose and should be over before our meeting.

Trustee Pasquale wanted to stress what Trustee Jackson said, that if you see something to say something. He commented that he was thinking about these children, less than 12 years old, in a lockdown for hours two days in a row. He commented that it is horrible to think that we have people who would call in to make allegations like that [i.e. bomb threats] to see a reaction. He said that if you see something, no matter how small, to notify the authorities. It is better to be safe than sorry.

Trustee Pasquale reported that Halloween saw very limited vandalism in the Village. There was very little egg throwing. He thanked our Police Department for being out there.

7. COMMENTS FROM THE FLOOR:

Robert Lupica, 169 Cortlandt Street, congratulated the Mayor and Trustee Pasquale on having been elected to their respective offices. He said it is a great honor that they put forth as volunteers doing their civic duty.

Mr. Lupica said that he has been a little aggravated, a little annoyed and disappointed with what is going on next door to him. There is a family who is building, which he thinks is great. But he has a lot of concerns. He said that he has pointed them out but does not think that he has been getting accurate information back. He feels that he has to be the lawyer, architect and Building Inspector, the resident next door, the taxpayer. He does not feel like he is getting information back that is accommodating. Mayor Knickerbocker advised that the Village Board does not usually address this but she knows that he and his neighbors have concerns. Mr. Lupica commented that there is no appeal process unless he gets a lawyer and addresses it. He has gone to the Building Inspector and the Village Administrator. The Mayor noted that she knows he has been to them. She will let him present his concerns. She noted that the Board has all his information that has been sent out. She explained that she requested letters and any communications concerning this and that has all been sent to the Board members. Mr. Lupica commented that he is hearing that he is a sinister individual. He wants to clear the air and explain why he has this problem.

He said that this property was before a variance. At the last minute, it got pulled. The variance was to build less than 4 feet from Mr. Lupica's property line. He commented that he does not know anybody that wants somebody to build less than 4 feet from their property line. He said

that one day this guy is cutting down trees. He was on Mr. Lupica's property but Mr. Lupica allowed him to do it even though the waste and some clippings were on his property. The next day they tore down the garage. A Bobcat loader was running through his property. There was no damage and he allowed that. The next time, there is a fence that at certain junctures was one foot in his property line. There was also damage to his property. His lawn was dug up. He took the fence down and threw it back on their property. The next morning he told the contractors that it was his property. They disagreed. He pointed out the surveyor's stakes and told them that if they ran a strip between them, they would see where the property line is. He commented that no one came to his door to say that they were sorry for damaging his property. He noted that he had to address it with them. Mr. Lupica called the Building Inspector. She came up and they discussed it. Mr. Lupica said that going forward what he found was that the approval plan was 6 inches closer to his property line from the existing structure. There are pictures in the information given to the Board. He noted that it is a 6 inch set back from where the back room was. He commented that was great if you were using the existing foundation but if you got into the crawl underneath the bathroom you would realize that does not go down to the basement. So when they tore it down, he came over and saw that there was a new footing. When he questioned if it was new, he was told that it was not a new footing. He noted that in addition, it was right on the edge of the structure. So they want to make it straight. Mr. Lupica said that they did not get a variance for that which he was told by two experts in the field he brought in to help him.

Mr. Lupica said that they were allowed to build less than 5 feet from his property line. There was no variance on that piece. He said that he kept going back to the Village Administrator saying that it was illegal and was told that it was not and then that the Administrator did not know and had to check with the Building Inspector. Mr. Lupica said that he told the Administrator that he had already questioned that with the Building Inspector and had been advised that it was not new construction.

Mr. Lupica said that he also questioned the grading of the property. He referred to the pictures and pointed out that there is almost 5,000 square feet of property. He noted that in the material to the Board he included the definition from the Village zoning laws, which he quoted. He noted that as could be seen in the pictures, on one side it was from 12-18 feet high. He said that was extraordinary grading. It covers basically a 62 feet by 60-plus feet. He said that he was advised by the Building Inspector that that was not grading. Mr. Lupica noted that the pictures also show that silt is running off into a neighbor's property and questioned why she is not being impacted by this. He said there was no sediment fence because if they were not grading there was no need for one. Mr. Lupica said that once he had a Stop Work order, a sediment fence went up. The big rock that is in the ditch is 3 feet. He commented that they got a big ditch to allow the water to come off which shows how bad the water on this property goes. Mr. Lupica said at that point, they had the ditch and all the water out there. There is no storm drain water running off plan.

He said that when he asked about that he was advised that they did not have that yet. They were going to do it later. Mr. Lupica said that reading the Code, it says that when your plan is put in you need a storm drain run off. He said so when he asked for a grading plan, there was none and when he asked for a storm drain run off plan, there was none. He then got a letter stating that they would be going back to grade. He questioned how many inches or feet down the grade was and how did we know where it was. He commented that at this point, he still does not have an answer. He noted in the pictures that the grading goes right up to the structure and it is raised. He noted that the portion of the building that is immaterial has to come down. They have cut above the grade. He wanted to know if that was an indication that the grading will be higher than what it should be. Mr. Lupica said that he kept questioning this. He sent another letter on the 28th stipulating that he was never notified. He commented that he has read the Code three times and does not have to be notified. He thinks that maybe the Code should be changed because with a non-conforming lot the neighbors should be given some kind of notification.

Mr. Lupica said at this point along with the variance that was not asked for and now it is coming down, the contractor has been allowed to keep on building without a current architectural plan as of October 25. Mr. Lupica said that he was advised that it was only a small portion and that he was going to get the architectural plans to him. Mr. Lupica commented that means that this building has been going on for about a week now without an architectural plan. He wanted to know if the Village Code is now that we build, then approve, then get the plan.

Mayor Knickerbocker commented that she has read everything that he sent. She knows that he was going to different parts of the Code. She commented that you cannot pick and choose from different parts of the Code. The Mayor read from Chapter 211 concerning non-conforming uses and lots. It is the Mayor's understanding that they are in compliance with our Code. Mr. Lupica questioned that portion that is less than 5 feet from his property line and disagreed that it is in compliance. He said you need a variance. Trustee Zachary said that he went over to the site yesterday. He advised that if the foundation is within 10 feet of the property line it is allowed by Code. He advised that the little bump out at the back corner of the house is not legal. Mr. Lupica commented that we have by-passed the variance. We have by-passed the architectural commitment to have drawings. Now we have defined grading as not being grading. He said that now he is going to be impacted by this. His neighbor is going to be impacted by this. He does not feel that there are good intentions here of bringing that dirt back down because as the pictures show, when they cut that piece out they are above the grade. He wanted to know if that is an indication that they are not going to put it back down because that has to go below the ground. Mr. Lupica commented that another thing is that we do not have a footing drain on the new footing that was installed without an architectural plan. He commented that it will not affect him but it will affect his neighbors. He was told that within 6 months they will probably have some water coming into their basement.

Trustee Funchion wanted to confirm that he did not know that any of this construction would be done until one day the construction people showed up. Mr. Lupica said he had no idea. That is why he wants the Code changed for non-conforming properties to let the neighbors know.

Mr. Lupica commented that if you look at the property, you can see the swirls that go down. He commented that these people are always going to have water puddling up. There is always a little pond in the back where they want to put their garage. He questioned how they are going to put in a garage and not have it always flooded. Mayor Knickerbocker commented that those areas have always been basically wetland. Mr. Lupica questioned how you could look to build on this property without seeing that you need to grade it, put up retention walls and put in drainage and a curtain drain. The Mayor's understanding is that there is going to be a dry well. Mr. Lupica commented that is supposed to be in the site plan when you go for site plan approval. Village Attorney Porteus wanted to clarify the site plan issue. She advised that there is no requirement for a site plan on a one family residential. She noted that she is not part of the Building Department but that the Building Inspector might require some kind of construction drawing. Mr. Lupica wanted to know how you cannot have a plan when you go for your permit. The Village Attorney advised that you do not need a site plan. Mr. Lupica said that it is in the Zoning Code that you need a plan for your storm drain run off. He wanted to know how this got approved without fulfilling the obligation of what the building permit plan is. Trustee Zachary advised that his understanding is that a drawing approved by an architect or engineer is required. He wanted to know if there was one here. Mr. Lupica commented that the architectural drawing is wrong because they gave it a 6 inch bump out toward his property. That is less than 5 feet. Approval was given on the drawing allowing them to come 6 inches closer to Mr. Lupica's property line.

Trustee Zachary understands that initially they were going to the Zoning Board to ask for a variance. Mr. Lupica said that was correct. Trustee Zachary wanted to know if there was a Public Hearing. Village Attorney Porteus advised that a Public Hearing was scheduled and opened. The applicant did not appear and it was adjourned and held over. It was held again and again the applicant did not come. We deemed it abandoned or closed it. She believes that at that point, rather than seek a variance the applicant decided to conform with the Code and rather than being 4 feet off the property line to come back within the 10 feet. Mr. Lupica said that the plans that were approved were erroneous. He commented that we were allowing these people to build. All three levels – the basement, the first floor and the second floor - were wrong. He wanted to know how we allow that. Mayor Knickerbocker noted that there are verified architectural drawings. Mr. Lupica commented that there are now. But as of October 25 there were not.

Mr. Lupica is asking for a grading plan. The Mayor commented to remember that the project is not done yet. They will not get a C.O. unless everything complies. Mr. Lupica wanted to know how do we know how far to go back down to. The Mayor did not know but they are not trucking

in more dirt. Mr. Lupica said that he was told that somebody complained about the piles so they spread them out. He noted that he did not complain. His other neighbor did not complain. He wanted to know who else did. He and his neighbor are the only ones being impacted by this. He commented that they spread out 5,000 feet and they still have 4 or 5 piles in the back. He noted that the pictures given to the Board show that there is not too much that is going to be back filled anymore. He commented that it makes him crazy because of the lack of oversight on this project.

Trustee Zachary commented that from what he saw that little bump out on the back porch that is not set back 10 feet has to come out and is being removed. Mr. Lupica commented but they have already established the cuts and they are above the grade, so their intentions are to keep it above the grade and raise the dirt. He commented that he has been saying this from day one but they still allowed them to build. Trustee Zachary believes that the Building Inspector is aware of this.

Trustee Zachary sees two issues here. The little bump out does not conform to set back requirements and cannot be done without a variance. It has to be removed. The other is that it is a pretty big foot print. A lot of soil was removed and a lot of soil has been spread in the back. If that is a low lying area where water pools, that soil will have to get re-graded back down to where it was. As far as how to find it, Trustee Zachary commented to give him a shovel and he will find it. You will see a color difference in the soil when you hit that point. He thinks that could create a run off situation that could adversely affect the neighbors and has to get re-graded back to where it was. Mr. Lupica wanted to know when. Trustee Zachary did not know. Mr. Lupica noted that in Chapter 67 of the Code, it talks about a Stop Work order if you alter something from a plan. He said that if we are all now saying that is graded then that is altering the plan. That needs to be a Stop Work order and needs to be removed. Trustee Zachary thinks that as long as it is removed before the construction is complete and the people go for their C.O. Mr. Lupica wanted to know who is going to govern that. He wanted to know if he has to come back again. He wanted to know if he has to get a lawyer because he is being told by the Building Inspector that it is not grading. Trustee Zachary commented that we are not a court of law. There are a couple of issues that the Village is aware of them and they will be dealt with. He agrees with Mr. Lupica that that soil has to be reduced back down to where it was and that that corner piece has to come out. Mr. Lupica believes that they should reconsider where they are going to put their garage because it is going to fill with water. He noted a point of reference in the pictures where he described the pond being after the heavy rains. He also noted a reference in the picture to where he shows the grade. He also noted where you can see the swales. He commented that the contour difference might be 8 or 10 inches. He commented that the building Codes ask for the contour design. He wanted to know if that was ever provided. He asked that in his letter of October 25. Mayor Knickerbocker noted that he is asking for a topographical.

Mr. Lupica said that the people he talked to said that there are good building practices. The dirt should have a silt fence and hay just to prevent it from running off onto somebody else's property. He commented that unfortunately our Code does not specify. It is whether the engineer deems if it is or is not needed. He noted that in the pictures you can see the 3 foot trench that was dug. He said that the property has serious water problems. Trustee Zachary wanted to know if hay is now being placed around there. Mr. Lupica said there is not. He commented that the pictures with the block going down are only because on Friday he came in and complained. So they put up the silt fence which Mr. Lupica commented is 3 or 4 weeks late. They put up the blocks and they dug it out a little bit. He believes that all these things should have been done from the start. He feels that no one is paying attention to this project.

Mr. Lupica commented if you are going to build then build, but build it to the Code. Do not impact him. Do not impact the neighbor on the other side. They all want to be good neighbors and get along. Mayor Knickerbocker agreed that we all need to get along. Mr. Lupica commented that the first page of the Code talks about it. He quoted from it where it says to protect the residential areas, and where it says to be harmonious in your design with the people who are adjacent. He noted that he has tried to spell out the Codes that he thought were pertinent here. He recapped his issues and concerns and commented that hopefully we will get some resolution.

Mr. Lupica showed a picture he had taken of Trustee Jackson when he alerted police to the man attempting to detonate a car bomb in Times Square. Mr. Lupica said that he came across it while looking for a different one pertaining to his issues. He said that he took it because Trustee Jackson was our hometown hero. Now, he has come before the Board and said that he is looking for "another hometown hero".

Trustee Funchion wanted to know if they already started construction when the Zoning Board had its hearing. Mr. Lupica advised that they had not. He said that he talked to the Zoning Board and showed them his concerns. They started construction a couple of months afterward. He believes it was June 17. Then they started back up in October. Trustee Funchion wanted to know if they had given Mr. Lupica any compensation for the damage to his lawn. Mr. Lupica said that they put the grass in. He commented that he does not care about that grass anyway but it was that those guys were not doing the right thing. They are working until 7:30 at night. He has pictures of that. Mayor Knickerbocker noted that we have Codes, and she understands that Mr. Lupica called and a summons was issued. They said that they do not know the rules. Mr. Lupica commented that if they are going to work in the Village, shouldn't they have looked up the rules. The Mayor commented that not everybody knows the rules including some people who have lived here all their lives.

Trustee Funchion commented that the Board has been going through many parts of the Code. With the part of the Code concerning noise, he noted that in the Town of Cortlandt for example, you cannot start any kind of noise until 10 AM on Saturday and Sunday where our Code allows it at 8 AM. He commented that he is a proponent of changing that. Mr. Lupica commented that is a lawn mower and does that mean that you cannot cut your grass before 9:00 in the morning before the sun hits. Trustee Funchion said that there is a big argument about that. He noted that he is retired so he can do it any time he wants. He commented that people who are working want to sleep on Saturday or Sunday morning. He said that what he is getting from Mr. Lupica is that there seems to be necessity. He said that personally he totally understands Mr. Lupica's point of view. He commented that you purchase your house and you cannot control somebody buying the house next door and it changes from an old grandmother who does not make any noise to a family with 18 kids moving in, for example. He understands what Mr. Lupica is saying. He knows it is in our Code and he is not saying that was not legal. Trustee Funchion commented that he does not know that much about the zoning and planning but just from a straight personal standpoint and from owning a home in Buchanan, he would not want someone starting doing to what was done with Mr. Lupica. Trustee Funchion understands the 5 foot rule and everything else. He commented that there are a lot of strange things in code so he is sympathetic to this. He said that Mr. Lupica brings up that some of these things should be changed. He commented that unfortunately we do not get to change these Codes until some problem comes up.

Mr. Lupica thanked Trustee Funchion and said that he appreciated his candor. He hopes that whatever the Board decides that it is for the good of the residents. Mayor Knickerbocker said that we do understand his concerns and the Board does hear him. They got his documentation. They will sit with the Building Inspector to see what the procedures are. Mr. Lupica added so that he can ask. He advised that he has a video taken by his daughter. It shows all the pictures that were taken but he commented, unfortunately the pictures where he took the video only shows the first caption. You can see the water that drains, the water that collected and the tarps that were put out on the property so that the water would not soak in. Mr. Lupica commented that they realized that they were in a little bit of a problem with the water. He does not think that they have really addressed it in any fashion. He commented that as long as they do not push it onto his property of that of his neighbor Laurie, he is okay.

Mr. Lupica thanked the Board. He hoped that he was not too combative.

Mayor Knickerbocker wanted to give equal time to our Building Inspector, Barbara Miller, who wished to comment.

Building Inspector Barbara Miller said that a lot of things that were said are not the way they exactly are. The house originally had several things wrong. The porch was too close to the road

and the bump out was too close to the property line. They had decided that the reason they did not come back to continue the Public Hearing was that they were going to take those things off. She noted not so much the porch. They could leave it but they were not going to touch it. As things happened, the contractor saw that it had no footing. The Building Inspector said that he thought that he could not do anything with; that he had to have a footing. So he did. She said once it was found out, he had to take it down and it cost him a lot of money. Village Attorney Porteus asked if it was a mistake. The Building Inspector advised that it was a mistake on the part of the contractor for taking it down. The Village Attorney wanted to clarify that the mistake was not on the drawings that were given to the Building Inspector. Ms. Miller said not on the drawings. It was a mistake to take that bump out down because if you touch it you own it. You cannot do it. The contractor did not realize that and he took it down. He was nicely rebuilding it. He was told that he had done that, take it away. He then used the plan where he said that we did not have a plan for that footing. The Building Inspector commented that we did not have a chance to do anything but common sense says that when you have a wall 5 feet here and a wall 5 feet there, they have footings. They are new walls. They were built. You are going to use the same type of wall. She commented that was one thing that was explained in a whole different manner.

The other thing was about the water. The Building Inspector advised that they had a plan. They have not yet built the garage. It is going toward the back. All the water will eventually be going toward the back. They did not do it because they were still trying to figure out exactly where the garage was going to go. The Building Inspector said that as they went she tracked it with them. They gave her plans as they went because they had a wall fall down which was not anticipated. They had many things. She commented that when you are in construction and you are working with an old building, which is what this is, you never can anticipate too much. They did work all last week. They have a plan. The Building Inspector has a drainage plan. She commented that everything that is presented has been presented in a twisted manner and it is still not straightforward, maybe because of not understanding some things. She advised that she told everyone in the beginning that the grade is not going to change. If it is going to change, it would be by an inch or so because of the way the dirt is. She commented that you can still see grass through most of that back yard. Mr. Lupica said that you cannot. He was there on Friday. The Building Inspector said that it was there when she was there Friday. She said that you can see the grass. You can see the old grade. She advised that once construction is done, when they back fill and when they start to construct the garage then they can work it out. They have to dig it up again when they put in the drainage. She commented that she does not know what they expect. She does not think that anyone here understands that there are different phases of construction. You cannot grade it beautifully and then still work. She advised that the reason that those piles were pushed down was because they were having problems running into them with their equipment.

Mayor Knickerbocker wanted to know if there is going to be a dry well. The Building Inspector advised that it is not a dry well. She advised that it is a big, fancy name but that she refers to it as a dry well for the sake of understanding. It is the same type of thing they used for a similar situation on Bannon Avenue, although not to the same extent. It is much bigger and more efficient than a dry well. The Mayor wanted to know if that will be in the back of the property. The Building Inspector advised that it will be toward the back of the property but not all the way back. Trustee Zachary noted that the property is 300 feet deep. The Mayor commented that it goes back, as does Mr. Lupica's.

The Building Inspector commented that you are looking at a site that is under construction. We had a lot of rain last week. Everything is mucky. She commented that things have not been presented in a straightforward manner which she believes is because of not understanding how things work. She advised that this house had a front porch and a bump out that were in violation of the Code. It allows you to leave them there. You cannot expand them but you can leave them. They chose to take them out. The porch is going to be demolished. Because they expanded it, they had to demolish it. The Building Inspector advised that her original plan showed that that thing was going to stay. But when the contractor discovered that there was nothing underneath holding it up, he said it was ridiculous. Trustee Zachary commented that he wonders why they did not just tear down the whole thing that is there. The Building Inspector did not know. She commented that when you take a 100 year old house with brick foundations there is a lot of work. But that is their prerogative.

Trustee Zachary commented that it is a pretty big structure for that width property but it is conforming to the Code as written. We do not have an architectural review board. The Building Inspector agreed.

Village Attorney Porteus wanted to clarify a statement by Mr. Lupica that she said disturbed her. It was that he had said that they had presented plans to the Building Inspector that kicked it out closer to his property line without a variance. Building Inspector Miller said no. Village Attorney Porteus said that Mr. Lupica's statement is sort of saying that the variance part of this was by-passed, did not give public notice to them and then did it anyway through the back door. Mr. Lupica said it is on the disk. So he is refuting what she said. He said that the original plans showed the 6 inches coming out and they are going on a straight line. Trustee Zachary commented that was probably when they were seeking the variance. Mr. Lupica said no. He said that on the disk the Board has the plan that comes out 6 inches and goes straight across. He said that he has it on his cell phone if they wanted to look. He said that when the Building Inspector used the excuse that they were going for the original footing, that plan would have said 6 inches back. The plan he has on the disk goes straight. So it is not the 6 inches where they would have taken it from [here] and used the original footing. He said that they brought it [here] and brought it out 6 feet. Mr. Lupica remarked that if the Building Inspector was doing her job, she would

have known they were coming out 6 feet. He commented that he is trying to take the lies out of it and how erroneous they took it down. They realized it was not there. On the original plan it comes straight out 6 feet. The Building Inspector said that they are showing that it was there. She has the original plan. Mr. Lupica said that he has the basement plan with that bump out. He commented that he took pictures when he and Village Administrator Hay were there. He said that the Building Inspector was also there so she cannot say it was not originally planned.

Trustee Zachary commented that we should not be conducting a hearing here. That is not the responsibility of the Village Board. He thinks that there two issues. The Building Inspector will make sure that the new construction conforms to Code. He commented that if he lived there, he would not want to see it either. But if it conforms to Code there is nothing we can do about it. The other issue is that any soil built up is eliminated so that the run off to the neighboring properties is not increased. He is sure that the Building Inspector will tend to this. He thinks this is over.

Mayor Knickerbocker said that she heard Mr. Lupica's concerns. She does not know if anyone else wants to speak on this. Mr. Lupica showed the original plan and the part that was the cause of his issue. The Mayor noted that was the original plan. There are other plans now. Mr. Lupica said that was because they had to change because he got a Stop Work order. Mayor Knickerbocker advised that she is going to sit down and review it with the Building Inspector, the Village Administrator and the Village Attorney. Mr. Lupica commented that he wanted to straighten out the erroneous statement that was made. He wants in put on record that it was an erroneous statement.

Mayor Knickerbocker asked if anyone else wanted to speak on this.

Jaime Leon, son of Jaime & Cecelia (*sp?*) Leon, said that they are the neighbors who are building next door to Mr. Lupica. He commented that they are trying to do right by both sides of the fence. They are not trying to building anything that will affect either of their neighbors. He thinks that they have been working very diligently and hard with the Building Inspector and have tried to be as transparent as possible with the process. He acknowledges that there have been some mistakes but they have been fixed and conformed with whatever Code there is in Buchanan. He does not think that can be argued. He commented that "this show" that just happened did more harm to Mr. Lupica's argument than anything. He thanked Building Inspector Miller for having to deal with all these things. They wanted to acknowledge her hard work and appreciate all that she is doing. He also thanked the Village Attorney and everyone else. He noted that his parents are Buchanan residents. They live at 146 Seward Street. So they are not people who are coming in from somewhere else. They have been in the community for a very long time. Mr. Leon noted that he grew up here and went to Hendrick Hudson High School. He commented that you have people who have been here for a very long time. They are

not evil people. He commented that his parents are building their dream home. He said that they worked very hard in their lives and they deserve what they are going to have. They promise that their neighbors will not be affected. There is a system being put in place that will limit whatever run off there is. He believes that the majority of the run off will go to the back of the yard. He does not know the specifics of how that works. He commented that obviously they are not here to do any harm to anybody in this community. They want to do right by their family and to live peacefully. They do not want to have any problems with their neighbors. He commented that he is sorry that the neighbors feel the way they do. They apologize if they have been affected by the construction.

Mayor Knickerbocker said that this is going to get resolved according to Code. Everyone will follow the Code. She does not want anybody to fight. Mr. Leon commented that his parents are not going to fight with anybody. He thanked the Mayor and the Board.

Don Zern, Westchester Avenue, commented that the garbage that is being put out on Tate Avenue is terrible. He said that three weeks ago the garbage was out on from Thursday through Tuesday. He went to one of the Trustees' home, knocked on the door and asked if something could be done. Nothing could be done at the time. Mr. Zern commented that we have a Building Inspector who only works 17 hours a week. She is off on Saturday and Sunday. He commented that nobody can take the initiative to go out and have a summons issued to the landlord of the property whether it is a bank that owns it, a private individual or a party who resides inside the building. In this particular incident the resident that lived in the building was out of the building. Garbage was deposited, approximately 35 feet long by 4 or 5 feet high. It was everything from glass to chairs. Mr. Zern commented that he personally stopped in his truck, picked up two big construction bags, put the garbage back in them and put them back on the curb. He commented that it is totally not acceptable. He questions if he and his neighbors around him have to abide by the law, why do they have to be penalized. We have a Police Department that works 7 days a week, 24 hours a day. The Police Chief advised him that they do not do Code enforcement. Mr. Zern commented that of course they do Code enforcement. That is part of their job. He thinks that they are able to instruct, to go out and maybe get out of a car and knock on a door to find out who own the residence. If they cannot, they can write the Code, put it on the door, turn around and give it to the Police Chief or the Building Inspector and to the Village Administrator. If they cannot find out who it is then the Village can come out and pick up the garbage. Anyone on the Board can instruct them to come out and pick it up. He said to pay the overtime whatever it is. He feels that there are two options for doing it: to find out who owns the building or who put it up. Or the Village can lien the property. Mayor Knickerbocker advised that we have been putting liens on some of the properties that have been foreclosed on. Mr. Zern commented that we have a lot of foreclosures in our little community. He commented that he does not care if the bank owns it, a person living elsewhere. He commented that we have a lot of slumlords in this community. They are slowly creeping in. He commented that when a real estate broker comes

in and shows a house here, they do not come on Tate Avenue. They do not come in underneath the Iron Bridge. They do not make a right hand turn and into our Circle. They come in through all different parts of the Village. He commented to know why to open up our eyes and look around. He said to stop it now. Not tomorrow or the next day or in ten months. He said let us make a decision within the next 2, 3 or 4 months or preferably before the New Year and find out where we are going to go with this. He commented that we are either going to do something or turn into a lower Mount Vernon or lower Yonkers or South Bronx.

Mayor Knickerbocker advised that we are going to be doing something about this. She has been talking with the Village Administrator about this. She noted that she had mentioned the situation on Lindsey Avenue where it appeared that the whole content of the house had been emptied out on the porch. She said that we are not picking that up. She did not know how long they were going to leave that there. She saw it on the first day. The Mayor commented that we have consistent problems at the Circle. There are two houses there where the tenants move in and out. They just throw everything out there any day that they want. That is not acceptable. She and the Village Administrator have had conversations about making lists of people who are the landlords in the Village and sending them a letter advising that if this stuff is put out there and it is not our pick up day, they are required to get a dumpster. If they do not, they will be fined because it is not fair to our Sanitation people and to us. We do not want to see it. Mr. Zern wanted to know if this is this going to be performed by the Highway Foreman or the Police Department. The Mayor said that has to be talked about. She thinks that it will be whomever we can get to do it. She commented that Mr. Zern is correct that we have a Building Inspector here on certain days but not "24/7". So the question is who we can have to do this.

Trustee Funchion commented that Mr. Zern is preaching to the choir. Everybody on the Board feels the same way. He said to give us the time, that we are getting to it. He knows it is pretty slow. He commented that Mr. Zern stopped to talk to him a couple of weeks ago. He agrees. He wants to get all the houses in the Village conforming to garbage regulations and conforming to whether they are single or double occupancy. Referring to Mr. Zern's comments about slumlords, Trustee Funchion thinks the way to fight them is by shining the light of day on them. He thinks that some of them probably live in the Village. He does not know who does and who does not. He said that he could not care less because wherever they are, it should be pointed out. If we have a problem where we have 10, 29 or 30 slumlords who live in other communities, the best way to handle it is through publicity. Mr. Zern thanked the Board for looking into it.

Village Administrator Hay advised that concerning the garbage, he has talked with the Highway Foreman to set a procedure in place. The Administrator said that if he sees something he will go out and take a picture of it. He has been talking with the Mayor about a warning letter first, then a violation. The Code defines \$25 for the first violation, then \$100 for each additional. On the

second day, the Building Inspector did send out a violation. Mr. Zern agreed that she did issue a summons. He thanked her for doing that.

Don Zern commented on the proposed new housing development looking to come into the Village. He said that 6 to 8 months ago he requested if we could get from the Police Chief or the Board or any source a report on the amount of crime that is put in two different places close to us: Round Top in Montrose and Dunbar Heights in Peekskill. Village Attorney Porteus wanted to know if Dunbar Heights is age targeted 55 and older. Trustee Jackson advised that it is not. Village Attorney Porteus advised that Round Top is not similar because it is not age targeted. The Board did get the police reports from there and from Jacob's Hill in Cortlandt Manor. Mr. Zern commented that Dunbar Heights is close to this project. Trustee Jackson noted that there are children there and Trustee Zachary commented that it is not as similar in the population. Village Attorney Porteus advised that there is a substantial difference comparing an age targeted 55-plus community that is being proposed to come in here with even Round Top. Mr. Zern feels that it is close because it is 55 not 62. Village Attorney Porteus advised that the applicant is not interested in 62. That is not what he put before the Board. Mr. Zern commented that before, the applicant was looking to sell everything; at least 60%-80% of it. Now he is looking to rent everything. Village Attorney Porteus advised that there are no sales. She advised that the Village Administrator did get those police statistics.

Mayor Knickerbocker read the police statistics for Jacob's Hill for 2014:

State Police calls = 28

Attempts to locate lost persons = 4

Burglaries = 3

EMS = 21

Westchester County Police calls = 12

Aided cases = 11 (The Mayor commented which we are going to see in this type of development.)

Alarm = 1

She noted that when you get to Round Top, it gets a little more. Mr. Zern commented that when you get to Round Top that is closer to us. The Mayor advised that they are not designated 55-plus. They have families and all ages.

Police statistics for Round Top for 2014:

State Police = 23 calls.

Lost property = 1

Noise complaints = 3

Citizens = 4

Attempt to locate = 1

Criminal mischief = 1

911 hang ups = 3

EMS = 4

Unattended death = 1

Disorderly = 1

Domestic dispute = 2

Burglary = 1

Mental hygiene law = 1

Mr. Zern noted that there were only 4 ambulance calls for the year to date. Trustee Funchion commented that the statistics are not bad at all. They are very good actually.

Westchester County Police (Round Top):

Aided cases = 2

Inspection = 1

Mr. Zern thanked everybody from the Methodist Church and especially Ms. Park and our two lovely ladies in the Village office who were able to get this project with the pumpkins for the Circle going last year. They donated the leftovers from their Pumpkin Patch. They gave him extra pumpkins this year. He very much appreciates it. It made a very big difference to the Circle.

Trustee Zachary commented that Mr. Zern was not at the last Workshop, which he usually attends. Trustee Zachary advised that at that meeting, he initiated a conversation on property maintenance. The Board is all in agreement. What we have to do it to start enforcing more. He hopes that discussion will continue at the next Workshop and that Mr. Zern will attend. Trustee Zachary commented that when we talk about changing the Code, a lot of things are in it already. It is really a matter of enforcement. He quoted from Section 137-7a concerning property maintenance. It designates the Code Enforcement Officer, the Police Chief and Public Works Superintendent with enforcement of that chapter of the Code. Trustee Zachary did not know if the "Public Works Superintendent" means the Highway Foreman or the Village Administrator. Don Zern commented that until we decide, he would like to have the Police Department issue the summons, especially when the Building Inspector is here. He commented that she works 17 hours. She has 6 or 7 jobs that are going now and if this other project goes through her hands are full. Mr. Zern commented concerning the paperwork. He said that every time he goes up there, with a situation or problem, the phone is always ringing. She is running here and running there because a contractor needs her or someone needs an inspection. Village Attorney Porteus advised that different parts of the Code give authority to different people. For the site plan, our Village Engineer can issue citations for violations. Trustee Zachary thinks that we need to decide what we want enforced by whom.

Former Trustee Joseph Tropiano, Burke Court, offered his commendations on the Circle. They did a nice job. He commented that he goes down there for coffee every morning. He hears comments from “the boys” whom he has coffee with down there. They felt that the Circle had been let go a little bit. We used to have a Beautification Committee. Some of those people moved out of the Village. He knows that at one time there was some money raised for the Beautification Committee. He does not know if there is any left. There might be. He commended Don Zern for doing a great job. Referring to Mr. Zern’s comments about trash pick ups, Mr. Tropiano said that being retired he goes around the Village a lot. He commented that if you go up Bannon Avenue, somebody is currently doing something and there is a lot of construction material out there.

Mr. Tropiano commented that on a lighter note, and not to give publicity to anyone running for office, Assemblywoman Sandy Galef happened to be at a recent Buchanan Seniors meeting. She handed out some brochures on different things. One was on what the State has done for the environment. The State has now allocated \$400 million for the New York State Department of Environmental Conservation (DEC). Included in that is the restoration of historic sites, habitats and cleaning up water front property. He wanted to know if the Village is going to try to get some funds. He thinks it would be a good idea if we could, like we did years ago at Lent’s Cove and the water front. He thinks that maybe we can spruce it up and get some funds at no cost to the Village. He knows it is very tight but he is hoping that maybe we can get some of these funds. Mayor Knickerbocker thinks that was a fairly new announcement. Mr. Tropiano thanked the Board and hopes that everyone has a nice Thanksgiving.

Mayor Knickerbocker advised that she and Village Administrator Hay met with people from the City of Peekskill about one month ago. They seem to be very good at getting grants. The Mayor said that she and the Administrator sat down with their people. They are willing to help us get grants. Mr. Tropiano commented that it is a long procedure. The Mayor said that the key is to know what is available. She commented that the City of Peekskill has done a fantastic job with their water front. They are continuing a walking and bike path that is going to end right by Lent’s Cove. She discussed that with them. We are looking to get some funds. Mr. Tropiano said that the Village Engineer would have to look at that property to determine what would have to be restored or whatever the need may be but they are advocating the waterfront as part of this project.

Mr. Tropiano finds it heart breaking to see how some people drive coming into the Circle. They do not slow down. They are driving while talking on cell phones and they do not make a full stop. He suggested that maybe we should paint a line there that says “Stop” so that maybe people would look at that and think about it. He commented that he wishes he had a picture of what takes place in the Circle. There have been close calls including trailer trucks. It can be dangerous.

Trustee Funchion said to look at the New York State Motor Vehicle laws. He finds it almost impossible to understand the traffic pattern of traffic circles. It is very unclear who goes first. Mayor Knickerbocker said that it is the person who goes into the rotary first. Mr. Tropicano commented that it is very difficult when you pull up because you have to get going to see if anybody is coming the other way. Trustee Zachary commented that it is difficult to look at every point at once. If two vehicles get there at the same time, the vehicle on the right has the right of way. When you pull up to the Circle you cannot look at all four points at once. Sometimes you are looking at one car and suddenly there are two others over here. Mr. Tropicano commented that the ones talking on their cell phones are especially dangerous.

Mayor Knickerbocker advised that we did have a Beautification Committee for the Circle. She does not know what happened this year. There was no communication. It got to the middle of June and the barrels and other things had not been done. The Mayor decided to buy some flower plants just to put in the barrels. She became frustrated because she was out there planting and watering and she had the Highway Department watering but she realized that she could not do that all the time. The Mayor advised that we are going to have a meeting in January. We are going to re-form the Beautification Committee. She commented that she has been thinking about it a lot. We not only have the Circle but coming into the Village where our signs are has not been touched. The Mayor wants to get a Beautification Committee together but have either a person or a family become responsible for a barrel. Mr. Tropicano noted that there are three entrances coming into the Village: by the Iron Bridge, by Lent's Cove and by the Hendrick Hudson High School. He commented that they used to take care of them pretty regularly. At Christmas time, they would cut the branches and fill up the barrels. He commented that it takes a couple of bucks and some manpower. The Mayor commented that right now the key is the manpower. Mr. Tropicano commented that some of the people who used to do things there are older now. The Mayor thinks that if everybody had their own barrel that they were responsible for it will work.

8. BOARD MEMBER REBUTTALS:

None

Mayor Knickerbocker thanked everybody who came out. She announced that at this time the Board has to have a Motion to go into Executive Session to discuss the Entergy PILOT negotiations.

9. EXECUTIVE SESSION (To discuss Entergy PILOT negotiations)

At 9:41 PM a MOTION for the Board to enter into Executive Session was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

At ____ PM a MOTION to return from Executive Session was made by Trustee_____, seconded by Trustee_____ with all in favor. No decisions were made and no monies were expended.

10. ADJOURNMENT:

At ____ PM a MOTION to adjourn this meeting was made by Trustee_____, seconded by Trustee _____ with all in favor.